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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,056      | 02/08/2002  | Atsuhiro Hirma       | FUJS 19.382         | 1172             |

7590 03/29/2005  
Rosenman & Colin LLP  
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New York, NY 10022-2585

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| EXAMINER |
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SOBUTKA, PHILIP

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| ART UNIT | PAPER NUMBER |
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2684

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,056

Applicant(s)

HIRAMA, ATSUIHIRO

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,14,15 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,3,8-13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/2, 3/2, 7/3
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5,6,7,14,15,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shull (US 6,006,077) in view of Kamel et al (US 6,285,886).

Consider claims 1,7,15. Shull teaches a radio communication system comprising a base station and a plurality (2-1 to 2-n where n denotes a natural number) of terminal stations (Shull see especially col 1, lines 20-25), Shull teaches the terminal station including: a received signal strength indicator detecting section for detecting a received signal strength indicator of a transmission signal from said base station through the use of a required amplifier (Shull see especially col 5, lines 43-45); and a received signal strength indicator compensating section for compensating for the error in the received signal strength indicator detection in said received signal strength indicator detecting section, occurring according to the difference in transmission signal waveform due to an input-waveform-dependent input-output characteristic of said amplifier (Shull see especially fig 2, col 6, lines 5-17). Shull differs from the claim in that the compensation parameter used at the mobile is determined in the mobile rather than at the base station. It is notoriously well known in the art to have complex processing in a mobile communication system performed at the base station in order to limit the amount of

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processing required at the mobile, as well as to better coordinate system performance.

Dent teaches a mobile radio communication system wherein system parameters are determined at the base station and transmitted to the mobile for use (Dent col 8, lines 20-60). It would have been obvious to one of ordinary skill to modify Shull to have the mobile parameter controlled from the base station as taught by Kamel in order to remove the processing burden from the mobile while allowing for better coordination of the network.

As to claim 6, the system of Shull in view of Kamel would perform the claimed steps.

As to claims 5,14,19 note that the compensation would of course be dependent on the modulation, therefore

### **Allowable Subject Matter**

3. Claims 2,3,8-13,16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claims 2,3, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 1, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a

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transmission multiplexed signal to the terminal station; a correction memory section for previously storing a correction quantity on a received signal strength indicator on the basis of a difference in number of multiplexes of the transmission multiplexed signal; and a memory control section for reading out, from the first correction memory section, a correction quantity corresponding to the information on the number of multiplexes detected by said multiplex number detecting section as said compensation parameter for said terminal station.

Consider claim 4, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 1, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; and the RSSI compensating section includes a multiplex number receiving section for receiving the information on the number of multiplexes from the base station, and a RSSI correcting section for correcting the RSSI on the basis of the information on the number of multiplexes received by the multiplex number receiving section through the use of a predetermined arithmetic operation.

Consider claims 8-10 the nearest prior art as shown in Shull and Kamel fails to teach a base station according to claim 7, characterized in that, in a case in which the

radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station, as a compensation parameter for the terminal station.

Consider claim 16, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted from said base station varies according to the number of multiplexes in said multiplexed signal, with a received signal strength indicator correction quantity to be taken according to a difference in the number of multiplexes in said transmission multiplexed signal being transmitted as said compensation parameter from said base station, the received signal strength section includes: indicator compensating a correction quantity receiving section for receiving said correction quantity from said base station; and a first detected signal strength indicator correcting section for correcting said received signal strength indicator detected by said received signal strength indicator detecting section according to said correction quantity received by said correction quantity receiving section.

Consider claim 17, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a

case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; a correction memory section for previously storing a correction quantity on a received signal strength indicator on the basis of a difference in number of multiplexes of the transmission multiplexed signal; and a memory control section for reading out, from the first correction memory section, a correction quantity corresponding to the information on the number of multiplexes detected by said multiplex number detecting section as said compensation parameter for said terminal station.

Consider claim 18, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; and the RSSI compensating section includes a multiplex number receiving section for receiving the information on the number of multiplexes from the base station, and a RSSI correcting section for

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correcting the RSSI on the basis of the information on the number of multiplexes received by the multiplex number receiving section through the use of a predetermined arithmetic operation.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825, after March 2005 the number will change to (571) 272-7887. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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March 17, 2005

So 3/17/05  
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